

REMARKS

In response to the final Office Action of November 1, 2007, applicants ask that all claims be allowed in view of the amendment to the claims and the following remarks. Claims 1, 27-38, and 48-77 are pending, of which claims 1, 27, 50, and 64 are independent. Claim 1 has been withdrawn from consideration. Accordingly, claims 27-38 and 48-77 are presented for examination.

Claim Amendments

Applicants have amended independent claim 27 to correct a minor typographical error. In addition, as discussed more fully below, applicants have cancelled dependent claims 44-47 and rewritten them as new dependent claims 74-77, which depend, either directly or indirectly, from independent claim 64, to correct informalities noted by the final Office Action. Because the amendment to the claims addresses only a minor typographical error and informalities, applicants submit that the amendment to the claims does not raise new issues. Accordingly, applicants request entry of the amendment to the claims.

Claim Objections

The final Office Action objects to claims 44-47 because of informalities. In particular, the final Office Action objects to claims 44-47 because claims 44-47 depend from a method claim but recite computer program products. See final Office Action of November 1, 2007 at page 2, lines 17-19. Applicants have cancelled claims 44-47 and rewritten them as new dependent claims 74-77, which depend, either directly or indirectly, from independent claim 64, which recites a computer program product.

Claim Rejections Under 35 U.S.C. § 102

Claims 27-38 and 48-73 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0002586 (Rafal). Applicants request reconsideration and withdrawal of the rejection of claims 27-38 and 48-73 because Rafal fails to

describe or suggest all of the features recited in independent claims 27, 50, and 64, as described more fully below.

Claims 27-38 and 48-73

Independent claim 27 recites a method for regulating self-disclosure within an already-established communications session, namely an already-established instant messaging communications session. Among other features, the method includes establishing an instant messaging communications session between an instant message sender and an instant message recipient and then, with reference to and therefore after already having established the instant messaging communication session, providing the instant message sender with different communications modes for communicating within the already-established instant messaging communications session. As recited by independent claim 27, these different communications modes offer varying levels of self-disclosure and include a textual message communications mode that enables the instant message sender to send textual messages within the instant messaging communications session, an audio message communications mode that enables the instant message sender to send audio messages within the instant messaging communications session, and an audio-video message communications mode that enables the instant message sender to send audio-video messages within the instant messaging communications session. The method of independent claim 27 also recites receiving an indication of a selection, by the instant message sender from among the different communications modes, of a particular communications mode for communicating within the already-established instant messaging communications session, and facilitating generation, by the instant message sender, of a message according to the selected communications mode for communicating within the already-established instant messaging communications session.

Importantly, Rafal does not describe or suggest regulating self-disclosure within an already-established communications session. For example, Rafal does not describe or suggest providing a sender with different communications modes for communicating within an already-established communications session, receiving an indication of a selection, by the sender from among the different communications modes, of a particular communications mode for communicating within the already-established communications session, and facilitating

generation, by the sender, of a message according to the selected communications mode for communicating within the already-established communications session, as recited in independent claim 27.

Rafal describes a system for creating and hosting live, private, and customized on-line parties. See, e.g., Rafal at paragraph [0005]. As described by Rafal, a host may invite guests to attend an on-line party during which the guests may participate in a variety of different activities:

Activities are created and managed by the host as indicated at 114. Activities are the components of the party that together define the party experience. Each activity is defined by data stored at 119 which specify the activity's name and the attributes of a Web page which simulates a venue where the activity takes place. Activity Web pages make functions available to the guests which are selected by the host, including but not limited to: (1) a display of a list of guests currently present in the room, or thumbnail photographs or avatars which iconically represent the guests present; (2) the ability to "chat" with any selected guest(s) by exchanging email addresses or engaging in a text-based, audio, or full video-conferencing chat session with the selected guest(s); (3) participating in an interactive game, simulation or other event with other guests; (4) viewing or listening to pre-programmed performances using streaming audio or video players, with the ability to discuss that material with other guests or the presenter using the chat capability; (5) signing guest books; (6) adding content to topical "bulletin boards"; (7) participating in surveys; and (8) performing "gifting" functions

Rafal at paragraph [0042].

The final Office Action contends that Rafal discloses providing an instant message sender with different communications modes for communicating within an already-established instant messaging communications session because "Rafal [discloses] different communications modes like text, audio, video messaging." Final Office Action of November 1, 2007 at page 4, lines 7-8. Applicants disagree.

While Rafal describes that its on-line party hosting system provides a guest with "the ability to 'chat' with . . . selected guest(s) by . . . engaging in a text-based, audio, or full video-conferencing chat session with the selected guest(s)," Rafal does not describe that the on-line party hosting system provides the guest with the ability to engage in a text-based chat with

another guest, an audio chat with the other guest, and a full video-conferencing chat with the other guest all within an already-established chat session with the other guest. That is to say, Rafal does not describe or suggest establishing a chat session between one guest and another guest and then, after having established the chat session, providing the one guest with different communications modes for communicating with the other guest within the already established chat session.

Rather, the clear implication of Rafal's disclosure is that a guest may engage in a text-based chat with another guest by establishing a text-based chat session with the other guest, the guest may engage in an audio chat with the other guest by establishing an audio chat session with the other guest that is separate and distinct from any text-based chat session established between the guest and the other guest, and the guest may engage in a full video-conferencing chat with the other guest by establishing a full video-conferencing chat session with the other guest that is separate and distinct from any text-based and/or audio chat sessions established between the guest and the other guest.

Because Rafal does not describe that the on-line party hosting system provides a guest with the ability to engage in a text-based chat with another guest, an audio chat with the other guest, and a full video-conferencing chat with the other guest all within an already-established communications session with the other guest, Rafal does not describe or suggest providing a sender with different communications modes for communicating within an already-established communications session, much less an already-established instant messaging communications session, as recited in independent claim 27.

Furthermore, because Rafal does not describe that the on-line party hosting system provides a guest with the ability to engage in a text-based chat with another guest, an audio chat with the other guest, and a full video-conferencing chat with the other guest all within an already-established communications session with the other guest, Rafal also does not describe or suggest receiving an indication of a selection, by an instant message sender from among the different communications modes, of a particular communications mode for communicating within the already-established instant messaging communications session, and, thereafter, facilitating generation, of a message according to the selected communications mode for

communicating within the already-established instant messaging communications session, as recited in independent claim 27.

Accordingly, for at least the foregoing reasons, applicants request reconsideration and withdrawal of the rejection of independent claim 27 and its dependent claims, claims 27-38, 48, and 49. Independent claims 50 and 64 recite features that are similar to those discussed above in connection with independent claim 27 and do so in the context of a system (claim 50) and a computer program product (claim 64). Accordingly, for at least the reasons discussed above in connection with independent claim 27, applicants request reconsideration and withdrawal of the rejection of independent claims 50 and 64 and their respective dependent claims, claims 51-63 and claims 65-73.

Dependent Claims 28, 51, and 65

Dependent claim 28, which depends from independent claim 27, further recites, among other features, enabling the instant message sender to change the communications mode selected for communicating with the instant message recipient within the already-established instant messaging communications session, receiving an indication of a selection, by the instant message sender from among the different communications modes, of a new communications mode for communicating with the instant message recipient within the previously instant messaging communications session, and facilitating generation of a message according to the newly selected communications mode for communicating with the instant message recipient within the already-established instant messaging communications session.

Because Rafal does not describe that the on-line party hosting system provides a guest with the ability to engage in different types of chats (e.g., text-based chat, audio chat, and full video-conferencing chat) with another guest, all within a communications session already established with the other guest, Rafal does not describe or suggest enabling the instant message sender to change the communications mode selected for communicating with the instant message recipient within the already-established instant messaging communications session, receiving an indication of a selection, by the instant message sender from among the different communications modes, of a new communications mode for communicating with the instant message recipient within the previously instant messaging communications session, and

facilitating generation of a message according to the newly selected communications mode for communicating with the instant message recipient within the already-established instant messaging communications session, as recited in dependent claim 28.

Accordingly, for at least these additional reasons, applicants request reconsideration and withdrawal of the rejection of dependent claim 28. Dependent claims 51 and 65 recite features that are similar to those discussed above in connection with dependent claim 28 and do so in the context of a system (claim 51) and a computer program product (claim 65). Accordingly, for the additional reasons discussed above in connection with dependent claim 28, applicants request reconsideration and withdrawal of the rejection of dependent claims 51 and 65.

New Claims

New claims 74-77 each depend, either directly or indirectly, from independent claim 64. Therefore, at least because of their dependencies and for the reasons discussed above in connection with independent claim 64, applicants submit that new claims 74-77 are allowable.

Conclusion

Applicants submit that all claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fees are believed due at this time. Please apply any charges or credits to Deposit Account No. 06-1050.

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Respectfully submitted,

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